

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, JUNE 4, 2007 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, June 4, 2007 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present: Mr. Robert M. Howard, Vice Mayor
Dr. French H. Moore, Jr.
Mr. Edward B. Morgan
Mrs. Cathy Lowe

Comprising a quorum of the Council

Mayor Lois H. Humphreys - Absent

Administrative Staff: Gregory W. Kelly, Town Manager
Cecile M. Rosenbaum, Town Clerk
Mark Godbey, Town Treasurer/Dir. Of Finance
Tony Sullivan, Chief of Police
Garrett Jackson, Director of Planning
Myra Cook, Director of Tourism
John Dew, Director of Public Services/Construction
Jim Smith, Director of Wastewater Operations/Town
Engineer

Visitors: Members of Boy Scout Troop #1, Catherine Barker, Ethel Smith,
Rebecca Newton, Byrum Geisler, Betsy White, L.B. Atkins,
Carolyn Lee and others.

B. PLEDGE OF ALLEGIANCE –

The Pledge was led by members of Boy Scout Troop #1 from Abingdon.

C. APPROVAL OF MINUTES

- May 7, 2007 Work Session
- May 7, 2007 Regular Meeting

On motion of Mrs. Lowe, seconded by Dr. Moore, the minutes of the work session of May 7, 2007 and the minutes of the regular meeting of May 7, 2007 were approved as presented.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye

The motion carried.

~~~~~

#### D. PETITIONS AND PUBLIC HEARINGS

1. **Public Hearing – Proposed Amendment - Application to amend and reenact Article 8, Section 8-2-3 of the Town of Abingdon Zoning Ordinance.**

Vice Mayor Howard declared the Public Hearing open and asked if anyone wished to speak to the issue.

Robert Weisfeld appeared before the Council in support of the proposed zoning amendment. Mr. Weisfeld informed the Council of his plans for a museum to showcase his collection of celebrity memorabilia.

Garrett Jackson, Director of Planning, informed the Council that the Planning Commission did support the recommendation that “Museums” be allowed as a Special Use Permit in ALL Subdistricts of the Old and Historic District which will be an amendment to Article 8-2B.

At the close of the public hearing, a **motion was made by Mr. Morgan, seconded by Dr. Moore, to allow “Museums” as a Special Use Permit in ALL Subdistricts of the Old and Historic District by therefore amending Article 8-2B of the Zoning Ordinance as recommended by Mr. Jackson.**

The roll call vote was:

|            |     |
|------------|-----|
| Mr. Morgan | Aye |
| Mrs. Lowe  | Aye |
| Dr. Moore  | Aye |
| Mr. Howard | Aye |

The motion carried.

~~~~~

E. CONSIDERATION OF ANY BIDS

Floyd Bailey, Director of Information Technology, appeared before Council to report on two (2) bids that were received for the deconstruction and construction of four (4) Rohn Towers purchased by the Town from the Washington County School Board. Mr. Bailey recommended accepting the bid from Pegasus Tower which was the lower of the two (2) bids received.

On motion of Mr. Morgan, seconded by Mrs. Lowe, the bid from Pegasus Tower for \$68,848.00 was accepted for the deconstruction and the construction of four (4) Rohn Towers.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Abstain
Mr. Howard	Aye

The motion carried. (3-0-1)

~~~~~

## **F. REPORTS FROM THE TOWN MANAGER**

### **1. Update of Status of William King Regional Arts Center expansion project.**

Byrum Geisler, Vice President of the William King Regional Arts Center Board, appeared before Council members to comment on the status of the expansion of the Arts Center. Mr. Geisler stated that the Arts Center currently has in line \$1.5M in funds from several agencies including the Tobacco Commission, Appalachian Regional Commission, U.S. Rural Development, private foundation grants and gifts. Mr. Geisler explained that several of the aforesaid mentioned funding agencies make funding contingent on local support. He reported that Washington County, Virginia has proposed \$275,000 in their current budget for the Arts Center but pointed out that budget has not yet been adopted. Mr. Geisler explained that a primary goal of the Arts Center was to make the entrance to the Center more visible and accessible to patrons and that would involve a purchase of a piece of property on Academy Drive owned by Mr. and Mrs. Quetsch. The Arts Center has been in negotiations with the Quetsch's for some time and has finally reached an agreement. Mr. Geisler indicated it was the Arts Center's intention to deed five (5) acres of property on which the Little League fields are located to the Town in exchange for the Town providing the funding for the purchase of the Quetsch property. The purchase price for the Quetsch property is \$147,827.00. In addition, Mr. Geisler informed the Council that the Arts Center has been approached by the Washington County Library to inquire about possibly locating the new library facility on the Arts Center grounds. He indicated the neither Board for the Library or for the Arts Center had formally acted on this inquiry. Mr. Geisler indicated that a few of the County Supervisors had expressed support for investigating further the location of the library to the Arts Center grounds. Charlotte Parsons addressed the Council and said that her Board would be glad to entertain the proposal but they had not been party to any planning or design of the concept.

No action was taken by the Council on this agenda item.

**2. Request to enact a No Loitering Ordinance**

Town Manager, Greg Kelly, addressed the Council regarding the draft of a No Loitering Ordinance. He explained that this ordinance was not on the agenda for adoption but was before Council for consideration. The ordinance was requested by Mr. Roy Davis of Frizzell Construction, owner of the Wolfe Hills Shopping Center and Mr. Steve Weston of Abingdon Cinemall. Vice Mayor Howard asked if either of those gentlemen would like to speak to the Council and neither was present at the meeting. Mr. Kelly indicated he would contact them to see if they would like to speak to this issue at the July Council meeting.

No action was taken on this agenda item.

~~~~~

G. PASSAGE OF RESOLUTIONS - NONE

H. FIRST READING OF ORDINANCES – NONE

I. SECOND READING OF ORDINANCES

1. AN ORDINANCE TO ENACT CHAPTER 66, SECTIONS 66-155 THROUGH 66-164 OF ARTICLE VI, CIGARETTE TAX, OF THE CODE OF THE TOWN OF ABINGDON.

Vice Mayor Howard asked if anyone present would like to speak to this issue.

Angie Huffman, owner of Angie's Wholesale Tobacco, appeared before Council members to comment in opposition of the enactment of the proposed Cigarette Tax. Ms. Huffman says she has owned the business for a short time and the enactment of the cigarette tax will pose a burden to the volume of cigarette sales and have a negative impact on the success of her business.

Mr. Morgan asked Ms. Huffman about the stamping of the cigarette packs and Dr. Moore inquired about the state tax rate on cigarettes. Mrs. Lowe asked if the state legislation had been enacted that would enable the Counties to impose a cigarette tax.

Mr. Morgan indicated that he felt this issue needed further consideration by the full Council and due to the absence of the Mayor suggested that this issue be continued to a special called meeting date of Tuesday, June 12, 2007 at 7:30 p.m.

On motion of Dr. Moore, seconded by Mr. Morgan, the enactment of the Cigarette Tax Ordinance was continued to a special called meeting date of Tuesday, June 12, 2007 at 7:30 p.m. in the Council Chambers of the Municipal Building.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye

The motion carried.

~~~~~

2. AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE TOWN OF ABINGDON, VIRGINIA. TO FIX A RATE UPON REAL AND PERSONAL PROPERTY AND UTILITY SERVICES FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

Vice Mayor Howard indicated that the continuation of the consideration of the enactment of the Cigarette Tax Ordinance had a direct impact on the adoption of the proposed budget, Item I2 on the agenda, that this Ordinance would be considered at the special called meeting on Tuesday, June 12, 2007 at 7:30 p.m. in the Council Chambers.

~~~~~

3. AN ORDINANCE TO REPEAL, AMEND AND REENACT ARTICLE 21, SIGNS, OF THE TOWN OF ABINGDON ZONING ORDINANCE.

Town Manager, Greg Kelly, addressed the Council and indicated that the Planning Commission had recommended adoption by the Council of the proposed Sign Ordinance. In addition, Mr. Kelly recommended the adoption and indicated that this was the second reading for the proposed Ordinance.

On motion of Dr. Moore, seconded by Mrs. Lowe, the Ordinance to repeal, amend, and reenact Article 21, Signs, of the Town of Abingdon Zoning Ordinance was approved.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye

The motion carried.

~~~~~

4. PROPOSED AMENDMENT – AMEND THE REZONING OF THE RIDGES AT GLENROCHIE (PLANNED UNIT DEVELOPMENT); DIVISION OF 18.7 ACRES LOCATED SOUTH OF CLUBHOUSE DRIVE, OWNED BY JAMES O. AND SHARON K. BUNN. TAX MAP NO. 105(A)46A2.

Garrett Jackson, Director of Planning, appeared before the Council and indicated that the Planning Commission did recommend the adoption of this amendment to the Zoning Ordinance.

**On motion of Mrs. Lowe, seconded by Mr. Morgan, the amendment of the rezoning of the Ridges at Glenrochie ( Planned Unit Development) and division of 18.7 acres located south of Clubhouse Drive, Owned by James O. and Sharon K. Bunn tax map no. 105(A)46A2 was approved.**

**The roll call vote was:**

|                   |            |
|-------------------|------------|
| <b>Mr. Morgan</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>  | <b>Aye</b> |
| <b>Dr. Moore</b>  | <b>Aye</b> |
| <b>Mr. Howard</b> | <b>Aye</b> |

**The motion carried.**

~~~~~

J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Appointments

- Tree Commission

2007 – 79
June 4, 2007

(1) To fill unexpired term of Charles Mike Owens whose term would expire on October 2, 2009.

On motion of Mr. Morgan, second by Dr. Moore, Link Elmore, was appointed to serve on the Tree Commission to fill the unexpired term of Charles Mike Owens which term expires on October 2, 2009.

The roll call vote was:

Mr. Morgan	Aye
Mrs. Lowe	Aye
Dr. Moore	Aye
Mr. Howard	Aye

The motion carried.

~~~~~

- Sinking Springs Cemetery Committee

**On motion of Mr. Morgan, second by Dr. Moore, the following individuals were appointed to the Sinking Springs Cemetery Committee for the indicated terms:**

- |                               |                                          |
|-------------------------------|------------------------------------------|
| ○ <b>Mr. Gene Matthis</b>     | <b>3 year term to expire on 6/4/2010</b> |
| ○ <b>Mr. Charles Seaver</b>   | <b>3 year term to expire on 6/4/2010</b> |
| ○ <b>Mrs. Kitty Henninger</b> | <b>3 year term to expire on 6/4/2010</b> |
| ○ <b>Mr. Jack Frost</b>       | <b>2 year term to expire on 6/4/2009</b> |
| ○ <b>Ms. Francine Ivery</b>   | <b>2 year term to expire on 6/4/2009</b> |
| ○ <b>Mr. Ed Morgan</b>        | <b>2 year term to expire on 6/4/2009</b> |
| ○ <b>Ms. Anne P. Hutton</b>   | <b>1 year term to expire on 6/4/2008</b> |

**The roll call vote was:**

|                   |            |
|-------------------|------------|
| <b>Mr. Morgan</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>  | <b>Aye</b> |
| <b>Dr. Moore</b>  | <b>Aye</b> |
| <b>Mr. Howard</b> | <b>Aye</b> |

**The motion carried.**

~~~~~

K. OLD BUSINESS

L. MATTERS NOT ON THE AGENDA

- Ms. Rebecca Newton addressed the Council members regarding a letter she received from the Town Code Enforcement Official regarding the clean-up of her property. Ms. Newton indicated that the property does not belong to her but is owned by the Abingdon Redevelopment and Housing Authority. Town Manager, Greg Kelly, informed Council that he had met with Mrs. Newton and apologized for the error and explained that records indicated incorrect ownership of the property. Ms. Newton also informed the Council about a fence that has been incorrectly placed adjacent to her property and expressed concerns for safety in the area.
- Carolyn Lee, a member of the Housing Authority Board, indicated that she would inform Tim Carter, Director of the Housing Authority about Ms. Newton's complaint.
- Ethel Smith, a resident of Highland Street, commented about an abandoned burned house next to her property and expressed concern about the overgrown property and unknown people coming in and out of the house.
- L.B. Atkins addressed the Council to say that he had spoken with Tim Carter at the Housing Authority and there is debate about the property lines for the aforementioned properties.

~~~~~

**With no further business before the Council, on motion of Dr. Moore, seconded by Mrs. Lowe, the meeting was recessed to Tuesday, June 5, 2007 at 7:00 p.m. for the joint meeting with the Washington County Board of Supervisors.**

**The roll call vote was:**

|                   |            |
|-------------------|------------|
| <b>Mr. Morgan</b> | <b>Aye</b> |
| <b>Mrs. Lowe</b>  | <b>Aye</b> |
| <b>Dr. Moore</b>  | <b>Aye</b> |
| <b>Mr. Howard</b> | <b>Aye</b> |

**The motion carried.**

~~~~~

Lois H. Humphreys, Mayor

Cecile M. Rosenbaum, Clerk